SUPREME COURT OF THE UNITED STATES DURING THE FIRST HALF OF ITS EXISTENCE. *A. Inglis Clark.* 1 Commonwealth L. Rev. 3.

TAXATION IN THE PHILIPPINES. *W. F. Norris.* An outline of the system introduced by the Philippine commission. 15 Green Bag 538.

"THE CROWN" AS REPRESENTING "THE STATE." *Pitt Corbett.* Criticising the non-recognition of the state as a juristic person by the English law. 1 Commonwealth L. Rev. 23.

THE TUB-WOMEN *v.* THE BREWERS OF LONDON. *William A. Purrington.* Discussing the liability of trade and labor combinations. 3 Columbia L. Rev. 447.

TRUSTEE COMPANIES. *Robert C. Nesbitt.* Pointing out the difficulty of securing in England the services of trustees, and advocating the introduction of Trust Companies created by Act of Parliament. 116 Law T. 40.

VERBAL ALTERATION OF WRITTEN CONTRACTS IN MATERIAL PARTS. *Walter J. Lotz.* Discussing the discharge of sureties. 57 Central L. J. 403.

II. BOOK REVIEWS.

OUR ARCHAIC COPYRIGHT LAWS. An address by Samuel J. Elder of the Boston Bar. Delivered before the Maine State Bar Association. Augusta, Maine: Press of Charles E. Nash & Son. 1903. pp. 25. 8vo.

To secure the protection of our copyright laws an author must comply with certain conditions. (1) On or before the day of publication the title of the work must be delivered at, or deposited in the mail addressed to, the office of the Librarian of Congress. (2) Not later than the day of publication two copies of the work must be delivered or deposited in the same manner. (3) The protection of the copyright is lost in case the author fails to insert, in any copy of the work published, a notice, in a prescribed form, of the fact of copyright.

The major part of Mr. Elder's address is an adverse criticism of these three conditions. He argues that even after publication an author has a property right resulting from his labor, genius, and ingenuity, and that the copyright laws should be adapted to the protection of this right. He concludes that none of the three conditions are consistent with this fundamental object of copyright legislation. It is evident that the value of this argument depends upon the soundness of the initial proposition that an author has this property right. After reviewing the decisions and legislation Mr. Elder concludes that this right has been generally conceded.

This method of treating the question seems open to objection in several particulars. Since the constitutionality of the conditions can hardly be doubted, the question as to their propriety is addressed, not to the courts, but to the legislature, and an argument from the common law can have little value, unless as furnishing evidence of the recognition of a "natural right." But any argument that assumes the existence of a natural right is necessarily weak in that it opens at once all the vexed academic questions as to the existence and nature of such rights. Furthermore, in order to prove the existence of any particular natural right from its recognition, a recognition which is practically universal must be shown. This has never been accorded in the case of an author. A strong minority of the authorities have vigorously denied the existence of the right, and have insisted that the copyright privilege is in its essence a bounty which the state bestows to stimulate literary production, just as bounties are granted to encourage the production of certain vegetables, or the destruction of harmful animals. See DRONE, COPYRIGHTS, p. 2.

A simpler and more practical method of treatment than that employed by Mr. Elder might commence with an examination of the interests affected by copyright legislation. On the one hand, the author is entitled to compensation for his labor, while, on the other hand, the public is interested to secure the free circulation of valuable literature at reasonable cost. The wisdom of any con-

dition to copyright protection should be tested by its tendency to further these interests. It would not be unreasonable to make the depositing of the title and copies of the work conditions precedent to bringing suit, but a law making a failure to do so a forfeiture of the protection of the copyright act, has no tendency to further the interests of the public, and in many instances is disastrous to the author. To deprive an author of a valuable right for mere failure to insert a notice of copyright in one publication, also seems unjustifiable. The public interests would be fully conserved by a provision protecting one who had published copyright matter in good faith and with no notice of the copyright.

Whatever criticism may be made upon Mr. Elder's method of treatment, it is impossible to dissent from his conclusions, and it is gratifying to know that there is now on foot a movement, instituted by the American Publishers' Association and the American Copyright League, to secure more satisfactory legislation on this subject.

LEGAL MASTERPIECES, SPECIMENS OF ARGUMENTATION AND EXPOSITION, BY EMINENT LAWYERS. Edited by Van Vechten Veeder. St. Paul: Keefe-Davidson Company. 1903. 2 vols. pp. xxiv, 1–618, 619–1324. 8vo.

As he states in his preface, the editor of this collection has planned to "bring together from the whole field of legal literature specimens of the best models of the various forms of discourse and composition in which the lawyer's work is embodied." That his selections fulfil his aim, no one will question. That he has omitted some arguments or judgments which might well have a place in such a collection, is indisputable. But in order to bring such a collection within the compass of two volumes some selection was essential, and the selection made by the editor has much in its favor.

The work may profitably be compared with a somewhat similar collection made in 1881 by William L. Snyder of the New York Bar. Mr. Snyder's work was, however, somewhat more limited in scope, as its title, "Great Speeches by Great Lawyers," sufficiently indicates. Naturally, there was no place in it for judicial opinions, and such legal masterpieces as some of the opinions of Lord Mansfield, of Chief Justice John Marshall, and of Lord Stowell, which Mr. Veeder prints, were perforce omitted. Both editors agree in selecting arguments of Daniel Webster, Charles O'Conor, Jeremiah S. Black, David Dudley Field, William M. Evarts, Thomas Erskine, and John Philpot Curran. In the case of three of these, O'Conor, Black, and Curran, the argument selected is the same. In Mr. Veeder's book we find the famous opinion of Alexander Hamilton on the constitutionality of a United States bank. We find, too, among others omitted from Mr. Snyder's book, arguments by Horace Binney, Benjamin R. Curtis, Wendell Phillips, and also opinions by Lord Bowen, and arguments by James C. Carter which have been made since 1881. In "Great Speeches by Great Lawyers" we find, on the other hand, arguments by Patrick Henry, William Pinckney, William Wirt, William H. Seward, and Rufus Choate, none of which appear in the more recent book.

It should be noted that the two editors worked on somewhat different plans: Mr. Snyder selected single speeches from the works of twenty-five different lawyers. Mr. Veeder has confined himself to the works of twenty men, but from more than half he has printed two or more selections, thus giving a more comprehensive idea of the lawyer's power. Mr. Snyder has in each instance prefixed to the speech selected an analysis, and he has also divided the speeches themselves by headings in the text. His introductory notes are for the most part brief, and confined to the circumstances of the particular case.

Mr. Veeder's editorial work deserves very high praise. To the whole collection he has prefixed an interesting and instructive study of forensic argument. At the beginning of the work of each jurist is placed a short biography, followed by a lengthy and careful criticism of that jurist's life, work, and influence. It is a most excellent book for the library of any person interested in prose literature.